

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

WILLIAM R. PESKIN; MARK	)	
PERKINS; KENNETH L. KLAER;	)	
and MARIE R. KLAER, on behalf of	)	
themselves and all other similarly	)	
situated,	)	
	)	<b>CASE NO. 1:21-cv-00002-SCJ</b>
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
PEACHTREE INVESTMENT	)	
SOLUTIONS, LLC, et al.,	)	
	)	
<i>Defendants.</i>		

**UNOPPOSED MOTION TO STAY RULE 26 AND  
LOCAL RULE 23.1(B) DEADLINES AND REQUIREMENTS**

Plaintiffs William R. Peskin, Mark Perkins, Kenneth L. Klaer, and Marie R. Klaer (“Plaintiffs”), with consent of all Defendants, hereby move to stay certain initial discovery and class certification deadlines pending the Court’s ruling on Defendants’ forthcoming motions to dismiss Plaintiffs’ First Amended Complaint. Plaintiffs respectfully submit that good cause exists for these requests as follows:

1. On January 2, 2021, Plaintiffs filed their Complaint. (Dkt. 1.)

2. On July 21, 2021, Plaintiffs filed their First Amended Complaint. (Dkt. 105)

3. On August 10, 2021, the Court granted the parties' Joint Motion for Extension of time and set a consolidated briefing schedule for Defendants' anticipated motions to dismiss Plaintiffs' First Amended Complaint. (Dkt. 110.) Under the so-ordered schedule, Defendants' motions to dismiss will be fully briefed on or before November 18, 2021.

4. Under the Federal Rules of Civil Procedure and the Civil Local Rules of the United States District Court for the Northern District of Georgia ("Local Rules"), the parties are subject to certain initial discovery and class certification deadlines.

5. Specifically, Federal Rule of Civil Procedure 26 and Local Rule 26 provide for, among other things, the filing of initial disclosures, the conducting of an early planning conference, and the filing of a joint preliminary report and discovery plan within certain time periods.

6. Local Rule 23.1(B) also provides that "[t]he plaintiff shall move within ninety (90) days after the complaint is filed for a determination under Fed. R. Civ. P. 23(c)(1) as to whether the suit may be maintained as a class action," or "within thirty (30) days after all defendants have filed an answer to the complaint" if one or

more Defendants file a motion to dismiss. The Court may also extend this deadline “upon a showing of good cause.” *Id.*

7. Given the complexity of the issues raised in the First Amended Complaint as well as the number of claims and parties, Plaintiffs request in the interest of promoting efficiency and economy in this proceeding that the Court stay the aforementioned Rule 26 and 23 deadlines for the filing of initial disclosures, the conducting of the early planning conference, and the filing of the joint preliminary report and discovery plan, pending the Court’s ruling on Defendants’ forthcoming motions to dismiss. Plaintiffs also request that the Local Rule 23.1(B) deadline for Plaintiffs to move for a Rule 23(c)(1) determination shall be 30 days after all Defendants have answered Plaintiffs’ First Amended Complaint.

8. Counsel for all parties consent to the relief requested herein.

WHEREFORE, Plaintiffs respectfully request the Court grant this Unopposed Motion and extend the deadlines as set forth above.

Date: August 23, 2021

Respectfully submitted,

/s/ Donna Lee

David R. Deary\*

[davidd@ldsrlaw.com](mailto:davidd@ldsrlaw.com)

W. Ralph Canada, Jr.\*

[ralphc@ldsrlaw.com](mailto:ralphc@ldsrlaw.com)

Jeven Sloan (GA Bar No. 652727)

[jevens@ldsrlaw.com](mailto:jevens@ldsrlaw.com)

Wilson E. Wray, Jr.\*

[wilsonw@ldsrlaw.com](mailto:wilsonw@ldsrlaw.com)

John McKenzie\*

[johnm@ldsrlaw.com](mailto:johnm@ldsrlaw.com)

Donna Lee\*

[donnal@ldsrlaw.com](mailto:donnal@ldsrlaw.com)

Tyler M. Simpson\*

[tylers@ldsrlaw.com](mailto:tylers@ldsrlaw.com)

**LOEWINSOHN DEARY SIMON RAY LLP**

12377 Merit Drive, Suite 900

Dallas, Texas 75251

(214) 572-1700 Telephone

(214) 572-1717 Facsimile

\* Admitted *Pro Hac Vice*

Edward J. Rappaport (GA Bar No. 594841)

[erappaport@saylorlaw.com](mailto:erappaport@saylorlaw.com)

**THE SAYLOR LAW FIRM LLP**

1201 W. Peachtree Street

Suite 3220

Atlanta, GA 30309

(404) 892-4400 Telephone

*Attorneys for Plaintiffs*

**CERTIFICATE OF CONFERENCE**

I, the undersigned, certify that I conferred via telephone and electronic email with counsel for all Defendants who have appeared herein and have been informed that all such Defendants join in requesting the relief sought herein.

/s/ Donna Lee

**CERTIFICATE OF COMPLIANCE**

The undersigned certifies that the foregoing document was prepared using Times New Roman 14-point font in accordance with Local Rule 5.1

/s/ Donna Lee

**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 23, 2021, a true and correct copy of the foregoing document was filed with the Clerk of the Court by using the CM/ECF system.

/s/ Donna Lee